

09/02/03

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Case Docket No.: CARL-1 CON

00746 U.S. PTO  
10/653692  
09/02/03

Sir:

Transmitted herewith for filing is the patent application of:

Inventor: Allen Carl  
For: SELECTIVE DELIVERY OF CRYOGENIC ENERGY TO INTERVERTEBRAL DISC TISSUE AND  
RELATED METHODS OF INTRADISCAL HYPOTHERMIA THERAPY

Enclosed are:

- ☒ 10 sheets of drawings.  
☐ An assignment of the invention to: \_\_\_\_\_  
☐ A verified statement to establish small entity status.  
☒ REQUEST FOR FILING RULE 1.53(B) CONTINUATION APPLICATION.

The filing fee has been calculated as shown below:

Small Entity					Large Entity	
For:	No. Filed	No. Extra	Rate	Fee	Rate	Fee
Basic Fee				\$375.00		\$750.00
Total Claims	39 - 20	19	x \$ 9.00	\$171.00	x \$18.00	0.00
Ind. Claims	6 - 3	3	x \$42.00	\$126.00	x \$ 84.00	84.00
Mult. Claims			+ \$140.00		+ \$280.00	
Total				\$672.00	Total	\$834.00

- ☐ Please charge my Deposit Account No. 16-0221 to cover the filing fee and assignment recording fee. A duplicate copy of this sheet is enclosed.
- ☐ A check in the amount of \$\_\_\_\_\_ to cover the filing fee (and assignment recording fee) is enclosed.
- ☐ The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 16-0221. A duplicate copy of this sheet is enclosed.
- ☐ Any additional filing fees required under 37 CFR 1.16.
- ☐ Any patent application processing fees under 37 CFR 1.17.
- ☐ The Commissioner is hereby authorized to charge payment of the following fees during the pendency of this application or credit any overpayment to Deposit Account No. 16-0221. A duplicate copy of this sheet is enclosed.
- ☐ Any patent application processing fees under 37 CFR 1.17.
- ☐ The issue fee set in 37 CFR 1.18 at or before mailing of the Notice of Allowance, pursuant to 37 CFR 1.311(b).
- ☐ Any filing fees under 37 CFR 1.16 for presentation of extra claims.

Respectfully submitted,

*James A. Sheridan* 09/02/2003

James A. Sheridan  
Pandiscio & Pandiscio  
470 Totten Pond Road  
Waltham, Massachusetts 02154  
Tel. (781) 290-0060

KK/CARL1CON.FEE

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

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Transmitted herewith for filing is the patent application of:

Inventor: Allen Carl  
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- ☐ Any patent application processing fees under 37 CFR 1.17.
- ☐ The Commissioner is hereby authorized to charge payment of the following fees during the pendency of this application or credit any overpayment to Deposit Account No. 16-0221. A duplicate copy of this sheet is enclosed.
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Respectfully submitted,

*James A. Sheridan 09/02/2003*

James A. Sheridan  
Pandiscio & Pandiscio  
470 Totten Pond Road  
Waltham, Massachusetts 02154  
Tel. (781) 290-0060

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE REQUESTED FILING OF RULE 1.53(B)  
CONTINUATION PATENT APPLICATION BASED ON  
THE FOLLOWING PENDING PRIOR PATENT APPLICATION:

In re Application of: Allen Carl  
Serial No.: 10/016,266  
Filing Date: 10/30/2001  
Title: SELECTIVE DELIVERY OF CRYOGENIC ENERGY  
TO INTERVERTEBRAL DISC TISSUE AND  
RELATED METHODS OF INTRADISCAL  
HYPOTHERMIA THERAPY  
Group Art Unit: 3739  
Examiner: Michael F. Peffley  
Attorney's Docket No.: CARL-1

Mail Stop Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

FILING OF PATENT APPLICATION UNDER 37 CFR 1.10

The attached Rule 1.53(B) continuation application is being  
filed under the provisions of 37 CFR 1.10.

"EXPRESS MAIL" MAILING LABEL NUMBER ER095321626US

DATE OF DEPOSIT September 2, 2003

I HEREBY CERTIFY THAT THIS PAPER OR FEE IS BEING DEPOSITED  
WITH THE UNITED STATES POSTAL SERVICE "EXPRESS MAIL POST  
OFFICE TO ADDRESSEE" SERVICE UNDER 37 CFR 1.10 ON THE  
DATE INDICATED ABOVE AND IS ADDRESSED TO: COMMISSIONER  
FOR PATENTS, PO BOX 1450, ALEXANDRIA, VA 22313-1450.

James A. Sheridan

(PERSON MAILING)

James A. Sheridan 09/02/2003  
(SIGNATURE)

Respectfully submitted,

*James A. Sheridan 09/02/2003*

James A. Sheridan  
Registration No. 43,114  
Pandiscio & Pandiscio  
470 Totten Pond Road  
Waltham, MA 02154  
Tel. (781) 290-0060

KK/CARL1CON.FIL

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE REQUESTED FILING OF RULE 1.53(B)  
CONTINUATION PATENT APPLICATION BASED ON  
THE FOLLOWING PENDING PRIOR PATENT APPLICATION:

In re Application of: Allen Carl  
Serial No.: 10/016,266  
Filing Date: 10/30/2001  
Title: SELECTIVE DELIVERY OF CRYOGENIC ENERGY  
TO INTERVERTEBRAL DISC TISSUE AND  
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Group Art Unit: 3739  
Examiner: Michael F. Peffley  
Attorney's Docket No.: CARL-1

Mail Stop Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

REQUEST FOR FILING RULE 1.53(B) CONTINUATION APPLICATION

This is a request for filing a continuation application, in accordance with Rule 1.53(B), of pending prior application Serial No. 10/016,266, filed 10/30/01 by Allen Carl for SELECTIVE DELIVERY OF CRYOGENIC ENERGY TO INTERVERTEBRAL DISC TISSUE AND RELATED METHODS OF INTRADISCAL HYPOTHERMIA THERAPY.

Submitted with this request are the following:

1. A true copy of said prior application Serial No. 10/016,266 (including specification, claims, and drawings);
2. A true copy of (i) a NOTICE TO FILE MISSING PARTS OF APPLICATION - FILING DATE GRANTED, (ii) a RESPONSE TO THE NOTICE TO FILE MISSING PARTS OF APPLICATION, (iii) a DECLARATION - USA PATENT APPLICATION listing the name of the inventor and signed by the inventor Allen Carl, specifically identifying the parent of this application by serial number and date;

CARL-1 CON

3. An AFFIDAVIT by the undersigned attorney of record verifying that the enclosed copy of said pending prior application Serial No. 10/016,266 is a complete and true copy;

4. A true copy of a POWER OF ATTORNEY form and CHANGE OF CORRESPONDENCE ADDRESS as filed;

5. A PRELIMINARY AMENDMENT which amends the application to show that it is a continuation of parent application Serial No. 10/016,266, filed 10/30/01 by Allen Carl for SELECTIVE DELIVERY OF CRYOGENIC ENERGY TO INTERVERTEBRAL DISC TISSUE AND RELATED METHODS OF INTRADISCAL HYPOTHERMIA THERAPY; and

6. A mailing certificate indicating that this submittal is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service on September 2, 2003 as provided for under 37 CFR 1.10.

The Power of Attorney in the pending prior application is to Pandiscio & Pandiscio, a firm composed of Nicholas A. Pandiscio, Registration No. 17293, Mark J. Pandiscio, Registration No. 30883, Scott R. Foster, Registration No. 20570, and James A. Sheridan, Registration No. 43114, or any of them, all of 470 Totten Pond Road, Waltham, MA 02451-1914 (Telephone No. 781-290-0060).

The inventor named in this continuation application is the same inventor named in the prior application Serial No. 10/016,266.

The Commissioner is also authorized to prepare a certified copy of said prior copending application if the same is deemed to be necessary and to charge the cost of same to Deposit Account No. 16-0221.

A duplicate copy of this letter is enclosed for filing in said prior copending application.

All communications in this matter should be addressed to:

Mark J. Pandiscio  
Pandiscio & Pandiscio  
470 Totten Pond Road  
Waltham, Massachusetts 02154.

Thank you.

Respectfully submitted,

*James A. Sheridan 09/02/03*

James A. Sheridan  
Registration No. 43,114  
Pandiscio & Pandiscio  
470 Totten Pond Road  
Waltham, MA 02451-1914  
Tel (781) 290-0060  
Fax (781) 290-4840

KK/CARL1CON.REQ

CARL-1 CON

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE REQUESTED FILING OF RULE 1.53(B)  
CONTINUATION PATENT APPLICATION BASED ON  
THE FOLLOWING PENDING PRIOR PATENT APPLICATION:

In re Application of: Allen Carl  
Serial No.: 10/016,266  
Filing Date: 10/30/2001  
Title: SELECTIVE DELIVERY OF CRYOGENIC ENERGY  
TO INTERVERTEBRAL DISC TISSUE AND  
RELATED METHODS OF INTRADISCAL  
HYPOTHERMIA THERAPY  
Group Art Unit: 3739  
Examiner: Michael F. Peffley  
Attorney's Docket No.: CARL-1


Mail Stop Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

AFFIDAVIT VERIFYING APPLICATION

Commonwealth of Massachusetts  
County of Middlesex

I, James A. Sheridan, being duly registered to practice before the U.S. Patent and Trademark Office, and being duly sworn, depose and state that: I am attorney of record in the above-identified pending prior application Serial No. 10/016,266, filed 10/30/01, and that the enclosed application is a true and complete copy of the prior application Serial No. 10/016,266 as filed, and that no amendments referred to in the oath or declaration filed to complete the prior patent application Serial No. 10/016,266 introduced new matter therein.

  
James A. Sheridan  
Registration No. 43,114

Sworn to before me this 2<sup>nd</sup> day of September, 2003.

  
Notary Public  
My commission expires: 4/17/09

**COPY**

Salima A. Merani, J.D., Ph.D.  
smerani@kmob.com

Assistant Commissioner for Patents  
Washington, D.C. 20231  
BOX PATENT APPLICATION

**EL 901403575US**

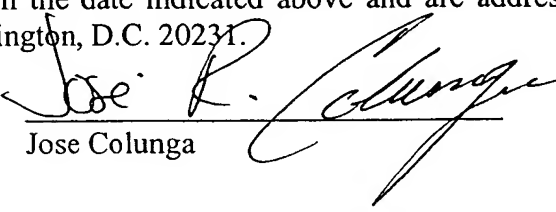
**CERTIFICATE OF MAILING BY "EXPRESS MAIL"**

**Attorney Docket No. :** INTRIN.006A  
**Applicant :** Allen Carl  
**For :** SELECTIVE DELIVERY OF CRYOGENIC  
ENERGY TO INTERVERTEBRAL DISC  
TISSUE AND RELATED METHODS OF  
INTRADISCAL HYPOTHERMIA THERAPY  
**Attorney :** Gerard von Hoffmann  
**"Express Mail"**  
**Mailing Label No. :** EL 901403575 US  
**Date of Deposit :** October 30, 2001

I hereby certify that the accompanying

Transmittal letter; specification in nineteen (19) pages; ten (10) sheets of  
drawings; **UNSIGNED** Declaration and Power of Attorney in 0 pages; Check for  
Filing Fee(s); Return Prepaid Postcard

are being deposited with the United States Postal Service "Express Mail Post Office to  
Addressee" service under 37 CFR 1.10 on the date indicated above and are addressed to the  
Assistant Commissioner for Patents, Washington, D.C. 20231.

  
Jose Colunga

H:\DOCS\SAM\SAM-1698.DOC:gcl  
103001



## ASSISTANT COMMISSIONER FOR PATENTS

WASHINGTON, D.C. 20231

ATTENTION: BOX PATENT APPLICATION

Sir:

Transmitted herewith for filing is the patent application of

Inventor: Allen Carl

**For: SELECTIVE DELIVERY OF CRYOGENIC ENERGY TO INTERVERTEBRAL DISC TISSUE AND  
RELATED METHODS OF INTRADISCAL HYPOTHERMIA THERAPY**

Enclosed are:

(X) Ten (10) sheets of drawing.

(X) Return prepaid postcard.

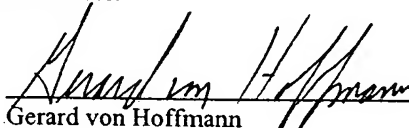
The present application qualifies for small entity status under 37 C.F.R. § 1.27. The fees are calculated below:

CLAIMS AS FILED				
FOR	NUMBER FILED	NUMBER EXTRA	RATE	FEE
Basic Fee			\$370	\$370
Total Claims	39 - 20 =	19 ×	\$9	\$171
Independent Claims	6 - 3 =	3 ×	\$42	\$126
If application contains any multiple dependent claims(s), then add			\$140	\$ 0
<b>TOTAL FILING FEE</b>				<b>\$667</b>

(X) A check in the amount of \$667.00 to cover the filing fee is enclosed.

(X) The Commissioner is hereby authorized to charge any additional fees which may be required, now or in the future, or credit any overpayment to Account No. 11-1410.

(X) Please use Customer No. 20,995 for the correspondence address.

  
Gerard von Hoffmann  
Registration No. 33,043  
Attorney of Record

**COPY**

Case Docket No. INTRIN.006A

Date: March 11, 2002

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s) : Allen Carl

App. No. : 10/016,266

Filed : October 30, 2001

For : SELECTIVE DELIVERY OF  
CRYOGENIC ENERGY TO  
INTERVERTEBRAL DISC  
TISSUE AND RELATED  
METHODS OF  
INTRADISCAL  
HYPOTHERMIA THERAPY

Group Art Unit : 3762

) I hereby certify that this correspondence and all marked  
) attachments are being deposited with the United States  
) Postal Service as first class mail in an envelope addressed  
) to: United States Patent and Trademark Office, P.O. Box  
) 2327, Arlington, VA 22202, on

March 11, 2002

(Date)

Gerard von Hoffmann, Reg. No. 33,043

**TRANSMITTAL LETTER**

**United States Patent and Trademark Office**  
**P.O. Box 2327**  
**Arlington, VA 22202**

ATTENTION: BOX MISSING PARTS

Dear Sir:

In response to the Notice to File Missing Parts of Application Under 37 CFR 1.53(f),  
which was mailed by the Office on January 11, 2002, enclosed are:

- (X) An executed Declaration by Inventor(s).
- (X) A Notice to File Missing Parts.
- (X) Ten (10) sheets of informal drawings.
- (X) Return prepaid postcard.

PATENT

Case Docket No. INTRIN.006A

Date: March 11, 2002

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(X) Fees as calculated below:

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SURCHARGE 37 CFR 1.16(e)	\$ + 130
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TOTAL OF ABOVE CALCULATIONS	\$ 130
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REDUCTION BY 1/2 FOR FILING BY SMALL ENTITY.

Note 37 CFR 1.9, 1.27, 1.28. If applicable, verified statement must be attached. \$ - 65

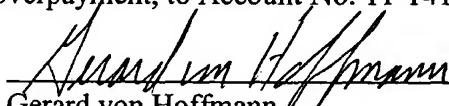
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TOTAL FEES SUBMITTED HERewith	\$ 65
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(X) A check in the amount of \$65.00 to cover the above fees is enclosed.

(X) The Commissioner is hereby authorized to charge any additional fees which may be required, now or in the future, or credit any overpayment, to Account No. 11-1410.

  
Gerard von Hoffmann  
Registration No. 33,043  
Attorney of Record

# COPY

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Allen Carl  
Serial No.: 10/016,266  
Filing Date: 10/30/01  
For: SELECTIVE DELIVERY OF CRYOGENIC  
ENERGY TO INTERVERTEBRAL DISC  
TISSUE AND RELATED METHODS OF  
INTRADISCAL HYPOTHERMIA THERAPY  
INTRIN.006A/CARL-1  
Attorney's Docket No.:  
Date: April 18, 2002

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

Enclosed please find a POWER OF ATTORNEY form and CHANGE OF  
CORRESPONDENCE ADDRESS form relating to the above patent  
application.

Thank you.

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED  
WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL,  
POSTAGE PREPAID, IN AN ENVELOPE ADDRESSED TO: ASSISTANT  
COMMISSIONER FOR PATENTS, WASHINGTON, D.C. 20231, ON:

APRIL 18, 2002

(DATE OF DEPOSIT)

MARK J. PANDISCIO

(NAME OF ATTORNEY)

Mark J. Pandiscio 4/18/02

(SIGNATURE)

4/18/02

(DATE OF SIGNATURE)

Respectfully submitted,

*Mark J. Pandiscio* 4/18/02

Mark J. Pandiscio  
Reg. No. 30,883  
Pandiscio & Pandiscio  
470 Totten Pond Road  
Waltham, MA 02451-1914  
Tel. (781) 290-0060

KT/CARL1POA.TRA

CARL-1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Allen Carl  
Serial No.: 10/016,266  
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RELATED METHODS OF INTRADISCAL  
HYPOTHERMIA THERAPY  
Group Art Unit: 3739  
Examiner: Michael F. Peffley  
Attorney's Docket No.: CARL-1

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

SUBMISSION OF FORMAL DRAWINGS

Enclosed herewith please find the formal drawings for the above-identified patent application, consisting of Figs. 1-10 on ten (10) sheets of drawings.

In the event that any fee is required to be paid in connection with the present submission of formal drawings, please charge the cost of the same to Deposit Account No. 16-0221. A duplicate copy of this letter is enclosed for the convenience of the Patent and Trademark Office.

Thank you.

Respectfully submitted,

*James A. Sheridan 9/02/03*  
James A. Sheridan  
Registration No. 43,114

Pandiscio & Pandiscio  
470 Totten Pond Road  
Waltham, MA 02451-1914  
Tel. (781) 290-0060  
Fax (781) 290-4840

KK/CARL1CON.DRW

CARL-1 CON

Please type a plus sign (+) inside this box → ☐

PTO/SB/122 (11-96)

Approved for use through 6/30/99. OMB 0651-0035  
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>CHANGE OF CORRESPONDENCE ADDRESS Application</b>  Address to: Assistant Commissioner for Patents Washington, D.C. 20231	Application Number	10/016,266
	Filing Date	10/30/01
	First Named Inventor	Allen Carl
	Group Art Unit	3762
	Examiner Name	Unknown
	Attorney Docket Number	INTRIN.006A/CARL-1

Please change the Correspondence Address for the above-identified application to:

☐

Customer Number

Type Customer Number here

Place Customer  
Number Bar Code  
Label here

OR

<input checked="" type="checkbox"/> Firm or Individual Name	Mark J. Pandiscio		
Address	Pandiscio & Pandiscio		
Address	470 Totten Pond Road		
City	Waltham	State	MA ZIP 02451
Country	USA		
Telephone	(781) 290-0060	Fax	(781) 290-4840

This form cannot be used to change the data associated with a Customer Number. To change the data associated with an existing Customer Number use "Request for Customer Number Data Change" (PTO/SB/124).

I am the :

☐

Applicant.

☐Assignee of record of the entire interest.  
Certificate under 37 CFR 3.73(b) is enclosed.☒

Attorney or agent of record .

Typed or Printed Name	Mark J. Pandiscio
Signature	<i>Mark J. Pandiscio</i> 4/18/02
Date	April 18, 2002

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.